

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TASER INTERNATIONAL, INC., <i>et al.</i> ,	)	
	)	Case No: 1:10-CV-03108-JEC
Plaintiffs,	)	[On removal from the State
	)	Court of Fulton County,
v.	)	Georgia Case No.: 2008-EV-004739-B]
MORGAN STANLEY & CO., INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

---

**NOTICE TO TAKE VIDEO TAPED  
DEPOSITION OF COLLIN CARRICO**

**TO:** Collin Carrico  
946 W Montana St  
Chicago, Illinois 60614-2409

**PLEASE TAKE NOTICE** that, pursuant to the Federal Rules of Civil Procedure, Plaintiffs will take the deposition of COLLIN CARRICO on May 27, 2011, beginning at 9:30 a.m. at the offices of Rothschild Barry & Myers LLP, 55 West Monroe, Suite 3900, Chicago, IL 60603 or at such other time and place as may be mutually agreed upon by the parties. A copy of the subpoena is attached hereto as Exhibit A. The deposition will take place before an authorized officer and pursuant to the Federal Rules of Civil Procedure. The deposition will be recorded by sound, videotape and/or stenographic means.

This 13th day of April, 2011.

*/s/ Michael A. Caplan* \_\_\_\_\_

John E. Floyd  
Georgia Bar No. 266413

floyd@bmelaw.com

Jill A. Pryor  
Georgia Bar No. 589140

pryor@bmelaw.com

Steven J. Rosenwasser  
Georgia Bar No. 614908

rosenwasser@bmelaw.com

Nicole G. Iannarone  
Georgia Bar No. 382510

iannarone@bmelaw.com

Michael A. Caplan  
Georgia Bar No. 601039

caplan@bmelaw.com

Elizabeth G. Eager  
Georgia Bar No. 644007

eager@bmelaw.com

Robert L. Ashe  
Georgia Bar No. 208077

ashe@bmelaw.com

Bondurant, Mixson & Elmore, LLP  
3900 One Atlantic Center

1201 West Peachtree Street, N.W.

Atlanta, Georgia 30309-3417

(404) 881-4100 Tel.

(404) 881-4111 Fax

James W. Christian  
State Bar No. 04228700  
[jchristian@csj-law.com](mailto:jchristian@csj-law.com)  
Gary M. Jewell  
State Bar No. 10664800  
[gjewell@csj-law.com](mailto:gjewell@csj-law.com)  
Christian, Smith & Jewell, LLP  
2302 Fannin, Suite 500  
Houston, Texas 77002  
(713) 659-7617 Tel.  
(713) 659-7641 Fax  
(admitted *pro hac vice*)

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a true and correct copy of the foregoing  
**NOTICE TO TAKE VIDEOTAPED DEPOSITION OF COLLIN CARRICO**  
was electronically filed with the Clerk of Court using the Court's electronic filing  
system which will automatically send an email notification of such filing to the  
following attorneys of record who are registered participants in the Court's  
electronic notice and filing system:

**Attorneys for Defendants:**

Richard H. Sinkfield, Esq.  
Dan F. Laney, III, Esq.  
Kristina M. Jones, Esq.  
Stefanie H. Jackman, Esq.  
James W. Cobb, Esq.  
Rogers & Hardin  
2700 International Tower, Peachtree Center  
229 Peachtree Street, N.E.  
Atlanta, GA 30303-1601

**Attorneys for Banc of America Securities, LLC;  
Merrill Lynch, Pierce, Fenner & Smith, Inc.; and Merrill Lynch  
Professional Clearing Corporation:**

Andrew J. Frackman, Esq.  
Brad Elias, Esq.  
O'Melveny & Myers LLP  
7 Times Square  
New York, NY 10036

**Attorneys for Morgan Stanley & Co. Incorporated:**

Melissa T. Aoyagi, Esq.  
Davis Polk & Wardwell LLP  
450 Lexington Avenue  
New York, NY 10017

**Attorneys for Goldman, Sachs & Co. and Goldman Sachs**

**Execution & Clearing, L.P.:**  
Richard C. Pepperman II, Esq.  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004

**Attorneys for Deutsche Bank Securities Inc.:**

Heather L. Fesnak, Esq.  
Peter J. Isajiw, Esq.  
Gregory A. Markel, Esq.  
Cadwalader Wickersham & Taft LLP  
One World Financial Center  
New York, NY 10281

**Attorneys for Credit Suisse Securities (USA), LLC.:**

Fraser L. Hunter, Jr., Esq.  
Wilmer Cutler Pickering Hale & Dorr LLP  
399 Park Avenue  
New York, NY 10022

Further, I hereby certify that on this day, I caused to be served a true and correct copy of the foregoing by United States mail and electronic mail on:

**Attorneys for Bear Stearns & Co., Inc. and Bear Stearns  
Securities Corp.:**

Stephen L. Ratner, Esq.  
Harry Frischer, Esq.  
Brian L. Friedman, Esq.  
Proskauer Rose LLP  
11 Times Square  
New York, NY 10036-8299

**Attorneys for UBS Securities, LLC:**

Andrew B. Clubok, Esq.  
Jeffrey G. Landis, Esq.  
Daniel Gomez, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W., Suite 1200  
Washington, DC 20005-5793

This 13th day of April, 2011.

*/s/ Michael A. Caplan*

---

Michael A. Caplan  
Georgia Bar No. 601039

E  
X  
H  
I  
B  
I  
T

A

AO 88A (Rev. 01/09) Subpoena to Testify at a Deposition or to Produce Documents in a Civil Action

**UNITED STATES DISTRICT COURT**  
for the  
**Northern District of Illinois**

<u>TASER INTERNATIONAL, INC., et al</u>	)	
Plaintiff	)	
v.	)	Civil Action No. 1:10-cv-03108-JEC
<u>MORGAN STANLEY &amp; CO., INC., et al</u>	)	(If the action is pending in another district, state where:
Defendant	)	Northern District of Georgia

**SUBPOENA TO TESTIFY AT A DEPOSITION  
OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION**

To: COLLIN CARRICO, 946 W MONTANA ST, CHICAGO, IL 60614-2409

**Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Rothschild Barry & Myers LLP 55 West Monroe, Suite 3900 Chicago, Illinois 60603	Date and Time: 05/27/2011 09:30
--	------------------------------------

The deposition will be recorded by this method: Stenographer and Videographer

**Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/06/2011

*CLERK OF COURT*

*Signature of Clerk or Deputy Clerk*

OR

*Michael J. Wall*

*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) \_\_\_\_\_  
Plaintiff TASER International, Inc., et al \_\_\_\_\_, who issues or requests this subpoena, are:

Michael J. Wall  
Rothschild Barry & Myers LLP, 55 West Monroe, Suite 3900, Chicago, Illinois 60603  
(312) 372-2345 wall@rbmchicago.com

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).